

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/287

- Applicant** : Glory Queen Limited represented by Vision Planning Consultants Limited
- Site** : Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 S.C RP, 3225 RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.21 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.40 S.A RP, 3250 S.B ss.40 RP and 4658 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long, New Territories
- Site Area** : 37,702 m² (about) (including 7,277 m² of GL (about 19%))
- Lease** : Block Government Lease or New Grant
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
- Zoning** : “Residential (Group D)” (“R(D)”)
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Proposed House Development with Minor Relaxation of Building Height Restriction, Filling of Pond/Land, and Excavation of Land

1. Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1a**) for the proposed house development (65 2-storey detached houses) at a plot ratio of 0.2 with minor relaxation of building height restriction from 6m to 6.6m (+10%) (**Drawing A-1**). The proposed development also involves filling of an existing pond (about 3,610m²) (**Plans A-2 and A-3**) in the southeast, and filling and excavation of land for site formation. The Site is currently vacant and largely paved.
- 1.2 The Site falls within an area zoned “R(D)” on the OZP. According to the Notes for the subject “R(D)” zone, ‘House (not elsewhere specified)’ is a Column 2 use which requires planning permission. Minor relaxation of building height, filling of pond, and filling and excavation of land require planning permission.
- 1.3 The Site is the subject of 11 previous planning applications, of which 8 were for low-rise residential developments whereas the remaining 3 were for temporary uses.

The last Application No. A/YL-MP/242 for the same house use with the same extent of minor relaxation of building height, filling of pond/land, and excavation of land submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 27.2.2015 with validity of the planning permission extended to 27.2.2023.

- 1.4 The proposed development mainly comprises development of 65 detached houses and an integrated compound structure with clubhouse, proposed interim sewage treatment plant, refuse collection chamber and electrical & mechanical (E&M) facilities, and will accommodate a population of 193. The Master Layout Plan (MLP), Landscape Master Plan (LMP) and section plans are at **Drawings A-1, A-2 and A-3a to A-3d**. The applicant has submitted noise impact assessment (NIA), air quality impact assessment (AQIA), traffic impact assessment (TIA), sewerage impact assessment (SIA), drainage impact assessment (DIA), landscape proposal, tree preservation proposal and visual impact assessment (VIA) in support of the current application. Photomontages of the proposed development are at **Drawings A-6a to A-6d**.
- 1.5 According to the applicant, the major development parameters of the proposed scheme including plot ratio, building height and site coverage and the vehicular access, setbacks for buffer planting, site formation/pond filling works, noise mitigation measures, drainage proposal, sewage treatment proposal are generally the same as those of the approved scheme under the last application No. A/YL-MP/242. The major amendments proposed are as follows:
- (a) increase in number of houses from 32 to 65 and the corresponding decrease in average house size, increase in parking provision and change in internal layout of the proposed development;
 - (b) slight increase in site area due to the setting out of site boundary during the processing of the land exchange and the corresponding increase in gross floor area; and
 - (c) change in the anticipated year of completion from 2018 to 2023.
- 1.6 A comparison of the major development parameters of the previously approved scheme under Application No. A/YL-MP/242 and the current proposed scheme is as follows (**Drawing A-1**):

Major Development Parameters	Previously Approved Application (No. A/YL-MP/242) (a)	Current Application (No. A/YL-MP/287) (b)	Difference (b) – (a)
Site Area	37,645 m ² (including 6,770 m ² of GL)	37,702 m ² (including 7,277 m ² of GL)*	+57 m ² (+0.2%) (+507 m ² of GL (+7.5%))
Plot Ratio (PR)	0.2	0.2	0
Gross Floor Area (GFA)	7,529 m ²	7,540 m ²	+11 m ² (+0.2%)
Site Coverage (SC)	Max. 20%	Max. 20%	0
Number of Houses	32	65	+33
Building Height (BH)	6.6m	6.6m	0
No. of Storeys	2 storeys	2 storeys	0
Average House Size	235.28 m ²	116 m ²	-119.28 m ² (-50.7%)

Major Development Parameters	Previously Approved Application (No. A/YL-MP/242) (a)	Current Application (No. A/YL-MP/287) (b)	Difference (b) – (a)
Estimated Population	112	193	+81 (+72.3%)
Club House Floor Area	376 m ² (5% of the total domestic GFA)	377.02 m ² (5% of the total domestic GFA)	+1.02 m ² (+0.3%)
Club House Height	1 storey (5.2m) high	1 storey (6.6m) high	+1.4m (+26.9%)
Open Space (for residents)	3000 m ²	200 m ²	-2,800 m ²
Green Coverage	12,401 m ² (32.94%)	About 30%	-2.94%
No. of Car Parking Spaces	67 64	77	+10 +13
No. of Visitor Parking Spaces	3 3 <i>(including 1 disabled parking space)</i>	3 (including 2 disabled parking spaces)	+3 0 <i>(+1 disabled parking space)</i>
No. of Motorcycle Parking Spaces	7 (10% of total car parking provision)	8 (10% of total car parking provision)	+1
Loading/Unloading Bay	2	0	-2
Heavy Goods Vehicle	1		
Refuse Collection Vehicle	1		

* The change in site area is due to the setting out of site boundary during the processing of the proposed land exchange.

Traffic Arrangement

- 1.7 Same as the previously approved scheme, two vehicular access points are proposed with the main access point at Kam Pok Road and the secondary access point at Ha Chuk Yuen Road solely for service vehicles to serve the on-site temporary sewage treatment plant, refuse collection chamber and E&M facilities at the southeastern corner of the Site (**Plan A-2** and **Drawing A-1**). The TIA concluded that the proposed development would not cause any significant traffic impact to the road network.

Sewage Treatment Arrangement and Drainage Proposal

- 1.8 According to the applicant, the sewage disposal proposal under the previously approved scheme applies to the current scheme. At present, there is no public sewer in the area and no program for implementation of proposed public trunk sewer connecting Ngau Tam Mei and San Tin with the Yuen Long Sewage Treatment Works. As a long term measure, sewage generated from the proposed development is proposed to be conveyed to the Ngau Tam Mei Sewage Pumping Station for eventual discharge to the Yuen Long Sewage Treatment Works. Before the implementation of public sewerage system, the applicant proposed an on-site interim sewage treatment plant to cater for the short term sewage treatment needs and the plant will be decommissioned once the Government public sewerage system becomes available (**Drawings A-4a to A-4c**).
- 1.9 The drainage system for the proposed scheme is the same as that proposed under the previously approved scheme. The system will convey the surface runoff to the Ngau Tam Mei Drainage Channel (**Drawing A-5**). With the provision of the proposed drainage system and flood mitigation measures in the DIA, no adverse drainage impact arisen from the proposed development to the surrounding area is anticipated.

Noise Impact Assessment and Air Quality Impact Assessment

- 1.10 In the submitted NIA and AQIA, potential environmental impacts have been assessed in terms of noise and air quality aspects. To address the potential

industrial noise from the existing workshop located to the southeast of the Site, the same noise mitigation measures as adopted in the previously approved scheme have been applied in the proposed development, which includes an integrated compound structure (paragraph 1.4 refers) to act as a noise barrier against industrial noise and a noise barrier wall along the eastern site boundary. With the provision of the mitigation measures, the noise criteria set out in the Hong Kong Planning Standards and Guidelines (HKPSG) would be complied with. For air quality, the AQIA has concluded that the proposed development will not be affected by the potential vehicular and industrial emission in the surrounding area as well as the on-site interim sewage treatment plant.

Landscape and Tree Preservation Proposals

- 1.11 The landscape design concept of “in the park” living environment is adopted. Special landscape design for the entrance area, landscaping at internal streets, clubhouse, landscape buffer, tree planting areas and vertical greening are proposed within the proposed development. Same as the previously approved scheme, the peripheral set-backs ranging from 5m to 8m in width with landscape treatment between the site boundary and the proposed noise barrier walls and the integrated compound structure are proposed for screen planting purpose and to maximize the retention of existing trees. Compared with the previously approved scheme, more refined multi-level landscape decks with recreational facilities at the proposed integrated compound structure are proposed under the current scheme (**Drawing A-2**).
- 1.12 According to the tree preservation proposal, there are 491 existing trees within the Site and 373 of them are proposed to be felled mainly due to direct conflict with the proposed development. To compensate for the tree loss, 382 new trees at heavy standard grade are proposed to be planted.
- 1.13 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 15.10.2019 **(Appendix I)**
 - (b) Planning Statement including a Master Layout Plan (MLP), schematic sections, landscape proposals, tree preservation proposal, NIA, AQIA, TIA, SIA, DIA and VIA (**Volumes 1 to 3**) **(Appendices Ia- Ic)**
 - (c) Further Information (FI) dated 13.2.2020 with responses to departmental comments, revised MLP, replacement pages of VIA, tree preservation proposal, SIA, AQIA and DIA, additional road junction calculation and traffic sensitivity test
(published for comment) **(Appendix Id)**
 - (d) FI dated 22.4.2020 with responses to departmental comments
(exempted from publication) **(Appendix Ie)**
- 1.14 On 13.12.2019, the Committee agreed to defer a decision as requested by the

applicant. After the deferral, the applicant submitted further information on 13.2.2020 and the meeting was rescheduled for 3.4.2020. In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 3.4.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendices Ia to Id**. They can be summarised as follows: -

- (a) The proposed development is fully in line with the planning intention of the “R(D)” zone. The proposed scheme under the current application is largely the same as the approved scheme under the last Application No. A/YL-MP/242 in terms of plot ratio, site coverage, building height (relaxation from 6m to 6.6m), noise barriers and extensive peripheral set-backs for landscape/tree planting treatments, except that the internal development layout has been readjusted to accommodate the increase in the number of houses. The approval of the scheme under the last application has proved that the proposed development is acceptable from the land-use planning perspective.
- (b) Approval of the current application will represent a positive support to increase the supply of private housing units to meet the needs of the society and is in line with the Government’s policy objectives to adopt a multi-pronged strategy to increase land supply to meet the pressing housing demand in Hong Kong.
- (c) Same as the last application No. A/YL-MP/242, the proposed development involves filling of an existing abandoned pond/land and excavation of land to make way for the implementation of the proposed development. The approval of the Environmental Permit (EP) for the Site in 2017 has clearly proved that the filling of the subject abandoned pond is acceptable from the ecological and fisheries standpoint. The proposed minor relaxation of building height restriction by 0.6m aims to improve the interior living quality of the future residents, in particular to allow more natural light penetration and spatial arrangement. Notwithstanding the increase in estimated population of the proposed development, the open space provision would still fully complied with the requirement of the HKPSG (i.e. 1m² per person).
- (d) Regarding the discrepancy of the site area and area of GL between the previously approved Application No. A/YL-MP/242 and the current application, the applicant clarified that the site area is updated to 37,702m² which is the regrant site area provided by Lands Department. Deducting the 30,424.7m² to be surrendered, the area of GL is 7,277.3m².
- (e) Between 2015 to 2018, the applicant has actively undertaken effort to discharge all the submission/design parts of approval conditions of the planning permission of the last application No. A/YL-MP/242. The technical proposals and refinements of development proposal accepted forms a solid basic framework for the proposed development under the current application.

- (f) The results of the technical assessments have demonstrated that, with the implementation of the proposed mitigation measures, the proposed development will not have any impacts on the local area. Besides, the proposed development will not be subject to any unacceptable impact from its surrounding areas with respect to noise, traffic, sewerage, drainage, air quality and visual aspects.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the private land portion of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable.

4. Background

The Site is not a subject of any planning enforcement action.

5. Previous Applications

- 5.1 The Site is the subject of 11 previous planning applications, of which 8 were for low-rise residential developments whereas the remaining 3 were for temporary uses of private car park, shop and services and fun kart playground and barbecue site which were either approved or rejected by the Committee between 2001 and 2009. The residential applications are set out below.

Residential developments

- 5.2 5 applications (No. A/YL-MP/55, 104, 110, 136 and 156) covered the northern portion of the Site are for low-rise house developments whereas 3 applications (No. A/YL-MP/170, 202 and 242) covering the whole site is for proposed house development, minor relaxation of building height restriction and filling of pond. Applications No. A/YL-MP/55, 136, 156, 170, 202 and 242 were submitted by the current applicant while the rest by others. Only one of the 8 applications was rejected.
- 5.3 Application No. A/YL-MP/55 for a proposed low-density residential development with ancillary club house and recreational facilities for a total of 26 houses at a PR of 0.2, SC of 10.4% and BH of 2 storeys (6m) was approved by the Committee on 13.8.1999 on the consideration that the proposed development was in line with the planning intention of the “R(D)” zone and compatible with the surrounding land uses. The planning permission expired on 13.8.2003.
- 5.4 Application No. A/YL-MP/104 for proposed low-density residential development with a relaxation of plot ratio from 0.2 to 0.22 for a larger site area for a total of 74 houses at a SC of 20% and BH of 2 storeys (6m) was rejected by the Committee on 1.3.2002 mainly on the consideration that there was no strong justification and design merits to support a relaxation of the PR restriction from 0.2 to 0.22, there was insufficient information to demonstrate no negative off-site disturbance

impact on the ecological value of the fish ponds and wetlands in the Deep Bay WCA, undesirable vehicular access arrangement and setting an undesirable precedent for other similar application with excessive development intensity.

- 5.5 Application No. A/YL-MP/110 for a proposed residential development with a total of 74 houses at a PR of 0.2, SC of 20% and BH of 2 storeys (6m) was approved by the Committee on 17.1.2003 mainly on the consideration that the proposed development was in line with the planning intention of the “R(D)” zone and compatible with the revised TPB Guidelines for “Applications for Development within Deep Bay Area”. The planning permission expired on 17.1.2007.
- 5.6 The major development parameters of Applications No. A/YL-MP/136 and 156 are same as the approved Application No. A/YL-MP/55. The two applications were approved by the Committee on 14.1.2005 and 3.11.2006 respectively. Both permissions expired already on 14.1.2009 and 3.11.2010 respectively.
- 5.7 Application No. A/YL-MP/170 for proposed house development with minor relaxation of building height restriction, filling of ponds/land and excavation of land for a total of 42 houses at a maximum PR of 0.2, maximum SC of 20% and a maximum BH of 2 storeys (6.6m) was approved by the Committee on 7.5.2010 on the consideration that the proposed development was in line with the planning intention of “R(D)” and the proposed building height of 6.6m was not incompatible with the surrounding low-rise development. The planning permission expired on 7.5.2014.
- 5.8 Applications No. A/YL-MP/202 and 242 for the same applied use for a total of 32 houses at a maximum PR of 0.2, maximum SC of 20% and a maximum BH of 2 storeys (6.6m) was approved by the Committee on 7.2.2014 and 27.2.2015 respectively on the consideration that the proposed development was in line with the planning intention of “R(D)” and the proposed minor relaxation of building height to 6.6m was not incompatible with the surrounding low-rise development. The permission of Application No. A/YL-MP/202 expired on 8.2.2018 whereas the validity of the planning permission of Applications No. A/YL-MP/242 was extended to 27.2.2023 under Application No. A/YL-MP/242-1.
- 5.9 Details of these previous residential applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 Within the same “R(D)” zone, there are 4 similar applications (No. A/YL-MP/132, 146, 193 and 205) involving 2 sites for residential developments and all were approved. Application No. A/YL-MP/132 for a proposed residential development for a total of 48 houses at a PR of 0.2, SC of 20% and BH of 2 storeys (6m) was approved by the Committee on 25.6.2004 for the proposed development being in line with the planning intention of the “R(D)” zone, compatible with the TPB Guidelines for Application for Developments within Deep Bay Area and the same as the northern portion of the previously approved Application No. A/YL-MP/110.
- 6.2 Application No. A/YL-MP/146 for a proposed residential development

(amendment to an approved scheme and minor relaxation of building height restriction) at a PR of 0.2, BH of 2 storeys (6.6m), 29 houses and 50 car parking spaces was approved by the Committee on 25.11.2005 for the proposed development being compatible with the TPB Guidelines for Application for Developments within Deep Bay Area and in line with the planning intention of “R(D)” zone.

- 6.3 Applications No. A/YL-MP/193 and 205 for a proposed house development (71 houses), minor relaxation of building height restriction, and filling and excavation of land at a PR of 0.2 and BH of 3 storeys including basement (6.6m above ground plus a basement of 4.2m high) was approved by the Committee on 24.2.2012 and 21.6.2013 respectively for the proposed development being in line with the planning intention of “R(D)” zone and compatible with the TPB Guidelines for Application for Developments within Deep Bay Area.
- 6.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

7. The Site and Its Surrounding Areas (Plans A-1a to A-4c)

7.1 The Site is:

- (a) largely vacant and paved with a pond in the southeast;
- (b) outside both the Wetland Conservation Area (WCA) and Wetland Buffer Area (WBA) of the Deep Bay Area; and
- (c) accessible via Kam Pok Road from the west which connects to Castle Peak Road – Tam Mi direct at its northern end and via Fairview Park Boulevard at its southern end.

7.2 The surrounding areas are predominantly residential dwellings/village houses, storage yard, vehicle park, warehouse, vehicle repair workshop, unused/vacant land and ponds. Some of the storage yard, vehicle park, warehouse and vehicle repair workshop are suspected unauthorized development (UD) subject to enforcement action by the Planning Authority:

- (a) to its north across Fung Chuk Road is Chuk Yuen Floodwater Pumping Station, a flood pond and some unused land; and further north is a large piece of vacant land;
- (b) to its east across Ha Chuk Yuen Road are vacant land, some ponds, warehouse, vehicle repairing workshop and village houses, falling within a “Village Type Development” (“V”) zone;
- (c) to its southeast are an open storage yard for construction materials and parking of tractors, trailers and vehicles;
- (d) to its south are a vehicle park, site office and vacant land; and to its further south across Ha San Wai Road are residential dwellings, commercial uses, restaurant and temporary car trading use approved under Application No.

A/YL-MP/253; and

- (e) to its west across Kam Pok Road and Ngau Tam Mei Drainage Channel is Fairview Park.

8. Planning Intention

The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the the Board. No development including redevelopment for ‘Flat’ and ‘House’ (except ‘New Territories Exempted House’) uses shall result in a development and/or redevelopment in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m). Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio and building height restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application and the public comments received are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) From desktop checking, the Site would involve various private lots and some adjoining GL. The said private lots are either covered by Block Government lease or new grant which their details would be checked during the processing of the land application.
- (b) It is noted that there were a number of previous approvals granted to the Site subject to conditions. The Site is currently under a proposed land exchange for residential development based on Application No. A/YL-MP/242 approved with conditions by the Board on 13.3.2015 which was valid until 27.2.2019 and further extended to 27.2.2023 by the Board on 22.11.2018. The proposed land exchange (new lot to be known as Lot No. 4822 in D.D. 104) is being processed by LandsD and is now at an advanced stage.
- (c) Concerning the application, most of the basic development parameters such as SC, BH, No. of storeys, remain the same as that of the previously approved scheme. However, the area of the Site has been revised to 37,702m², including GL with an area of 7,277m², leading to the increase in domestic GFA to 7,540.4m² based on the maximum PR of 0.2. The revision in site area is due to the setting out of site boundary during the processing of the land exchange. In addition, there are reduction in the average house size from 235.28m² to 116m² and increase in the number of private carparking space,

visitor carparking space and motorcycle parking space as compared with the previously approved scheme. Regarding loading and unloading bays for heavy goods vehicles and refuse collection vehicles, they were not mentioned in the application and Transport Department (TD)'s advice should be sought whether the above requirements are applicable to the Site.

- (d) In the application, permanent rising main and manhole for conveying sewage to future public Ngau Tam Mei Pumping Station along Kam Pok Road and interim sewage treatment plant within the Site are proposed. Agreements and comments from Highways Department (HyD) and Drainage Services Department (DSD) on the proposal should be sought. From land administrative point of view, the applicant has to apply to his office for a land document for permitting sewerage rising main to be laid during its construction. Regarding the interim sewerage treatment plant to be constructed within the Site, comments from relevant departments such as DSD and Environmental Protection Department (EPD) should be sought as appropriate.
- (e) Should the application lead to amendments of the provisional basic terms, the applicant is required to submit an application to LandsD for consideration. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD.

Environment

9.1.2 Comments of the Director of Environmental Protection (DEP):

- (a) The Site falls within an area zoned "R(D)" on the OZP and the applicant seeks planning approval for proposed house development with minor relaxation of BH restriction, filling of pond/land and excavation of land.
- (b) The Site is the subject of previous applications No. A/YL-MP/55, 90, 104, 110, 136, 148, 156, 170, 176, 202 and 242. According to the planning statement and attached supporting information, when compared with the previously approved scheme under Application No. A/YL-MP/242, the key changes proposed under the current scheme mainly involve increasing the number of houses to 65 (32 in the previously approved scheme) and reduction of the average house size to 116 m² (236 m² in the previously approved scheme) while most of the remaining development parameters including the PR, maximum SC, BH (relaxation from 6m to 6.6m), number of storeys (2-storey), etc) remain unchanged.
- (c) Based on the NIA, SIA and AQIA in the application and revised pages of SIA and AQIA reports provided in the FI to support the application, it is expected that with the implementation of environmental mitigation measures committed by the applicant in

the NIA, SIA and AQIA reports as highlighted below, the proposed development would unlikely be subject to or cause adverse environmental impacts exceeding the HKPSG criteria.

- (i) provision of an on-site sewage treatment plant before the public sewerage system is available for connection to treat the sewage generated from the development and water from Ngau Tam Mei Drainage Channel to ensure that there is no net increase in pollution load to Deep Bay as a result of the proposed development;
 - (ii) adequate setback distance stipulated in HKPSG would be provided to ensure that there is no adverse air quality impact from vehicular emissions on the proposed development; and
 - (iii) provision of noise mitigation measures (4.5m high noise barrier along the eastern side boundary and an integrated compound building containing the proposed sewage treatment plant and club house).
- (d) Based on the above consideration, he has no objection to the application. To address possible changes on the proposed development and the required environmental mitigation measures during design stage, he considers that the two approval conditions on the submissions of SIA and NIA as imposed on Application No. A/YL-MP/242 should be retained:
- (i) the submission of a revised SIA and the implementation of sewage treatment and disposal measures identified therein to the satisfaction of the DEP and the Director of Drainage Services or of the Board; and
 - (ii) the submission of a revised NIA and the implementation of noise mitigation measures identified therein to the satisfaction of the DEP or of the Board.
- (e) The proposed house development is covered by the EP (EP-515/2017) issued under the Environmental Impact Assessment (EIA) Ordinance. The applicant should be advised to observe and ensure that the proposed development will comply with all statutory requirements under the EIA Ordinance.

Nature Conservation

9.1.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) It is noted that the current application is similar to the last application No. A/YL-MP/242, mainly with re-adjustment of the internal layout to accommodate the increase in the number of houses from 32 to 65 as explained in section 6.2 of the Planning Statement, while the development parameters under the current application are the same as those in the last approved scheme,

including PR, maximum SC, BH (relaxation from 6m to 6.6m), number of storeys (2-storey). It was also mentioned in section 4.22 that “the approval of the EP (No. EP-515/2017) for the Site in 2017 has clearly proved that the filling of the on-site abandoned pond is acceptable from the ecological and fisheries standpoint”.

- (b) The Site falls outside the WBA and WCA of the Deep Bay Area. Considering the Site is zoned “R(D)” and consists of paved/disturbed ground and abandoned pond, he has no strong view on the application. Nevertheless, should the application be approved, the applicant is reminded to implement the mitigation measures as recommended in the approved EIA report and EP.

Traffic

9.1.4 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) The proposed secondary vehicular access to the Site is connected to the local access road (before turning to Ha Chuk Yuen Road) which is not managed by TD. The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) Should the application be approved, the following approval condition should be incorporated:

the design and provision of vehicular access and car parking and loading / unloading facilities for the proposed development to the satisfaction of the C for T or the Board.

9.1.5 Comments of the Chief Highway Engineer/New Territories West, HyD (CHE/NTW, HyD):

- (a) The access arrangement to the Site from Kam Pok Road/Ha Chuk Yuen Road should be commented by TD.
- (b) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Kam Pok Road/Ha Chuk Yuen Road. Presumably, the relevant department will provide their comments, if any.
- (c) If the proposed vehicular access arrangement is agreed by TD, the applicant should design and construct the road connection/run in/out in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (d) The applicant shall be responsible for any modification of the existing

street furniture for the proposed run-in/out. The proposed modification works should be submitted to TD/HyD for comments before commencement of the modification works.

- (e) As regards the proposed drainage and sewerage works, his office does not maintain non-exclusive road drains and any sewerage facilities.
- (f) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

9.1.6 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD):

As the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems, he has no comment on the application from railway development point of view.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to the water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) Furthermore, the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

Building

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) In view of the size of the Site, internal street required under the Buildings Ordinance (BO) s16(1)(p) may have to be deducted from site area for PR/SC calculations under the BO. Also, the internal access road/internal street should comply with Building (Private Streets and Access Roads) Regulations (B(PS&AR)R).
- (b) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (c) If the Site does not abut on a specified street of not less than 4.5m

wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

- (d) There is no guarantee that the 10% non-accountable GFA could be attained under the BO. The eligible amount would be subject to the compliance with the new Quality Building Environment requirements and detailed examination at building plans submission stage.
- (e) Detailed comments will be provided at building plan submission stage.
- (f) His detailed comments are at **Appendix IV**.

Drainage

9.1.9 Comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from the drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, he would suggest stipulating the following approval conditions:
 - (i) the submission of a revised DIA including flood mitigation measures and the implementation of the drainage proposal and other necessary flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board;
 - (ii) no pond/land filling on site shall be allowed until flood mitigation measures have been implemented to the satisfaction of the Director of Drainage Services or of the Board; and
 - (iii) the submission of a revised SIA and the implementation of the sewerage treatment and disposal measures identified therein to the satisfaction of the DEP and the Director of Drainage Services or of the Board.

Landscape and Visual Aspects

Urban Design

9.1.10 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site is set within an area characterised by low-rise, low-density residential developments subject to a maximum BH of 2 storeys (6m) and 3 storeys (9m). The proposed 2-storey houses of maximum 6.6m in height is considered not incompatible with the neighbourhood and unlikely to result in significant visual impact to the surroundings.

- (b) As compared with the previously approved scheme (Application No. A/YL-MP/242), the proposed scheme maintains the same PR, SC, BH with relaxation, and setting of noise barriers. The major changes from the approved scheme are the increased number of houses from 32 to 65 and the adjusted form and disposition of domestic and non-domestic buildings within the Site. Notwithstanding, with the provision of extensive peripheral set-backs plus landscape /tree planting treatments in place as in the approved scheme, the above changes are not expected to result in adverse visual impact.
- (c) According to the submitted FI, the baseline photo and photomontage of VP01 have been revised and it is considered acceptable for representing the contextual relationship between the Site and its surrounding areas.

9.1.11 Comments of the Chief Architect/ Central Management Division 2, Architectural Services Department (CA/CMD2, ArchsD):

- (a) It is noted that the proposed development mainly consists of 65 nos. of houses with dense greenery screening along the site boundary and a height of 2 storeys (6.6m) which may not be incompatible with adjacent village type development with 3 nos. of domestic storeys. In this regard, he would have no comment from visual impact point of view.
- (b) It is noted that filling of pond/land and excavation of land is proposed for the development. The applicant is advised to consider a balance cut and fill design to reduce burden to public fill.

Landscape Planning

9.1.12 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site, located to north of Ha San Wai Road and west of Ha Chuk Yuen Road, falls within an area zoned “R(D)” on the OZP. The last planning Application No. A/YL-MP/242 for the same use as the current application was approved by the Committee of the Board on 27.2.2015, and the approval condition (e) for submission and implementation of a Landscape Master Plan under the last planning Application No. A/YL-MP/242 was partially complied with.
- (b) According to the aerial photos taken in 2018, the Site is situated in an area of rural landscape character. The surrounding area is comprised of vacant land, temporary structures, village houses and scattered tree groups. The proposed development is considered not incompatible with existing landscape setting in proximity.
- (c) With reference to the Planning Statement, existing trees of common species were mainly found along the boundary of the Site, whilst, much of the central part of the Site was hard-paved. In consideration that the trees proposed to be felled are common

species in local environment, new trees, shrubs, groundcovers and climbers will be planted as mitigation measures and adequate area of open space was to be provided in accordance with the HKPSG requirement, he has no objection to the application from the landscape planning perspective.

- (d) It is reminded that any proposed trees treatment and trees felling shall be submitted to the relevant trees authority for approval prior to commencement of works.

Others

9.1.13 Comments of Director of Food and Environmental Hygiene (DFEH):

- (a) If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, Food and Environmental Hygiene Department (FEHD) should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him.
- (b) If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

9.1.14 Director of Leisure and Cultural Services (DLCS) (New Territories North Tree Team):

- (a) It is noted that the boundary of the Site includes some GL where some existing trees are maintained by Leisure and Cultural Services Department (LCSD). If these GLs will be granted to the applicant, the applicant is also required to take up the maintenance responsibility of the soft landscapes and trees within these GLs. LCSD will not maintain any vegetation and trees inside private lot.
- (b) From tree preservation point of view, every possible effort should be made to preserve existing tree on site as far as possible and minimize the adverse impact to them. Should any trees be inevitably effected, the project proponent should submit a Tree Preservation and Removal Proposal with strong justifications to relevant Government department(s) for consideration and approval in accordance with DEVB Technical Circular (Works) No. 7/2015.

District Officer's Comments

9.1.15 Comments of the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD):

His office has no comment on the application and the local comments shall be submitted to the Board directly, if any.

9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C of WSD);
- (b) Commissioner of Police (C of P);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (e) Project Manager (West), CEDD (PM(W), CEDD).

10. Public Comments Received During the Statutory Publication Period

On 22.10.2019 and 3.3.2020, the application and its FI were published for public inspection. During the statutory public inspection periods, six public comments were received from a Yuen Long District Council (YLDC) member, the San Tin Rural Committee (submitted twice) and two individuals (with one submitted twice). The YLDC member provided comments that community facilities should be included in the proposed development; the traffic congestion problem of Fairview Park Boulevard should be solved; and building height of residential developments in San Tin should not exceed 30 feet. The remaining five comments objected to the application and were mainly concerned that approval of pond filling would set an undesirable precedent to the San Tin area, relaxation of BH for 0.6m only would not help to increase housing supply, the proposed development would have adverse traffic, environmental and cumulative ecological impact to the surrounding area affecting residents' daily lives, the lack of car parking and recreational facility provision in the proposed development, and the GL within the Site should be used by the public (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed house development (65 houses) of PR 0.2 and BH of 2 storeys with minor relaxation of BH from 6m to 6.6m (+10%), filling of pond (about 3,610 m²)/land, and excavation of land. The proposed house development of PR 0.2 conforms with the OZP restriction and is in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Board. The proposed development is considered not incompatible with the surrounding land uses which are predominated by low-rise and low-density residential dwellings/village houses and unused/vacant land.

11.2 While the proposed building height of 2 storeys conforms with the OZP restriction, the application seeks to relax the building height restriction from 6m to 6.6m. This extent of height relaxation is the same as that under the previous Applications No. A/YL-MP/202 and 242 approved in 2014 and 2015 respectively. According to the applicant, the minor relaxation of building height restriction aims to improve the interior living quality of the future residents, in particular to allow more natural light penetration and spatial arrangement. CTP/UD&L of PlanD considers that the proposed 2-storey houses of maximum 6.6m in height not incompatible with the neighbourhood and unlikely to result in significant visual impact on the surroundings. CA/CMD2 of ArchSD has no comment from visual impact point of

view as the proposed development may not be incompatible with the adjacent village type development of 3 storeys.

- 11.3 For the proposed filling of pond, it has been approved in the previous applications No. A/YL-MP/202 and 242. According to the applicant, there is an existing abandoned pond at the southeastern part of the Site. DAFC has no strong view on the current application taking into account that the Site is zoned “R(D)” and consists of paved/disturbed ground and abandoned pond. Nevertheless, the applicant is reminded to implement the mitigation measures as recommended in the approved EIA report and EP for the approved house development should the application be approved by the Board.
- 11.4 Compared with the previously approved Application No. A/YL-MP/242, the current scheme mainly involves increase in number of houses from 32 to 65 houses and the corresponding decrease in average house size from 235.28 m² to 116 m², increase in parking provision and change in internal layout of the development while other development parameters including PR and SC as well as vehicular access, noise mitigation measures and landscape/tree planting treatments remain unchanged. The applicant has submitted NIA, AQIA, TIA, SIA, DIA, landscape proposal, tree preservation proposal and VIA in support of the current application. Concerned Government departments, including DLO/YL of LandsD, C for T, DEP, CE/MN of DSD, have no objection to or no adverse comment on the application. Their technical requirements and/or concerns could be addressed by imposing relevant approval conditions as recommended in paragraph 12.2 (a) to (g) below, should the application be approved.
- 11.5 The Site is the subject of 7 previously approved applications for residential development between 1999 to 2015 as detailed in paragraph 5. Since 2004, 4 similar applications for residential developments within the same “R(D)” zone were approved by the Committee (**Plans A-1a and A-1b**). Approval of the application is in line with the Committee’s previous decisions.
- 11.6 There are six public comments including one providing comments and five objecting to the application as detailed in paragraph 10. The planning assessments and departmental comments above are of relevance.

12. **Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.5.2024, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a revised Drainage Impact Assessment (DIA) including

flood mitigation measures and the implementation of drainage proposal and other necessary flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (b) no pond/land filling on Site shall be allowed until the flood mitigation measures have been implemented to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of a revised Sewerage Impact Assessment (SIA) and the implementation of sewage treatment and disposal measures identified therein to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the Town Planning Board;
- (d) the submission of a revised Noise Impact Assessment (NIA) and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the submission and implementation of Landscape Proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (f) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (g) the design and provision of vehicular access and car parking and loading / unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

[The above conditions are similar to those imposed under previous Application No. A/YL-MP/242, except for conditions (e) and (g) which are amended and the previous condition (f) on design and provision of mitigation measures to alleviate visual impact which has been deleted to accord with the latest circumstances/comments of the relevant departments.]

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

12.3 There is no apparent reason to reject the application.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 15.10.2019
Appendices Ia to Ic	Planning Statement including a MLP, schematic sections, landscape proposals, tree preservation proposal, NIA, AQIA, TIA, SIA, DIA and VIA (Volumes 1 to 3)
Appendix Id	FI dated 13.2.2020
Appendix Ie	FI dated 22.4.2020
Appendix II	Previous s.16 Applications covering the Application Site
Appendix III	Similar s.16 Applications within the subject “R(D)” zone on Mai Po and Fairview Park OZP
Appendix IV	Detailed Comments of Chief Building Surveyor/New Territories West, Buildings Department
Appendix V	Public Comments received during the Publication Period
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Master Layout Plan of Previously Approved Scheme (No. A/YL-MP/242) and the Current Scheme
Drawing A-2	Landscape Master Plan of Previously Approved Scheme (No. A/YL-MP/242) and the Current Scheme
Drawings A-3a to A-3d	Landscape Sections
Drawing A-3e	Plan showing Communal Open Space of Previously Approved Scheme (No. A/YL-MP/242) and the Current Scheme
Drawing A-3f	Plan showing Green Coverage
Drawing A-4a	Existing and Proposed Sewerage Facilities
Drawing A-4b	Proposed Sewer Connection for Permanent Stage
Drawing A-4c	Proposed Sewer Connection for Interim Stage
Drawing A-5	Schematic Layout of Proposed Stormwater Drainage System
Drawings A-6a to A-6d	Photomontages
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos